

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Dana M Ballew; Charles A Ballew, )  
*on behalf of themselves and all* )  
*others similarly situated,* )  
Plaintiffs, )  
vs. )  
Hyundai Motor America Inc; )  
Hyundai Motor Company, )  
Defendant. )  
\_\_\_\_\_  
)

Civil Action No. 7-18-cv-3014-TMC

**ORDER OF DISMISSAL**

The Court having been advised by counsel for the parties that the above action has been settled,

IT IS ORDERED that this action is hereby dismissed without costs and without prejudice. If settlement is not consummated within forty-five (45) days, either party may petition the Court to reopen this action and restore it to the calendar. Rule 60(b)(6), F.R.Civ.P. In the alternative, to the extent permitted by law, either party may within forty-five (45) days petition the Court to enforce the settlement. *Fairfax Countywide Citizens v. Fairfax County*, 571 F.2d 1299 (4th Cir. 1978). By agreement of the parties, the court retains jurisdiction to enforce the settlement agreement. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 381-82 (1994).

The dismissal hereunder shall be with prejudice if no action is taken under either alternative within forty-five (45) days from the filing date of this order.

IT IS SO ORDERED.

s/Timothy M Cain  
United States District Judge

April 16, 2019  
Anderson, South Carolina